

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	Criminal No. 3:14-CR-156
	:	
v.	:	Judge James M. Munley
	:	
JOSEPH WING	:	(Electronically Filed)

MOTION FOR A SUBPOENA

AND NOW, comes the defendant, Joseph Wing, by his attorney Ingrid S. Cronin, Assistant Federal Public Defender, and files this Motion for a Subpoena and in support thereof the following is averred:

1. On June 24, 2014, the Defendant, Joseph Wing, was charged in a two count Indictment with assault with intent to commit murder, in violation of 18 U.S.C. § 113(a)(1); and assault with intent to cause serious bodily injury, in violation of 18 U.S.C. § 113(a)(6).

2. On July 23, 2014, the Federal Public Defender was appointed to represent Wing.

3. Wing has entered into a plea agreement with the government, and the presentence report has been disclosed to all parties and a plea and sentencing in this matter is scheduled for December 18, 2014.

4. Wing is charged with assault with intent to commit murder and assault with the intent to cause serious bodily injury.

5. Wing's plea is to Count 1 of the Indictment, assault with intent to commit murder in violation of 18 U.S.C. § 113(a)(1).

6. Wing attacked his victim, Donshay Sales, a black inmate who was Wing's cellmate in the Special Housing Unit ("SHU") of USP Canaan, because he was black. The date of the assault was May 16, 2014.

7. Prior to that date, on May 6, 2014, Wing attacked Shunta Montgomery, a black inmate, in the Education Department of USP Canaan.

8. George Zevan is a teacher in the Education Department and also serves as a disciplinary hearing officer ("DHO") for USP Canaan.

9. On May 7, 2014, in the SHU of USP Canaan, Wing attacked Jemel Jordan, a black inmate who was Wing's cell mate in the SHU.

10. Following the May 7, 2014 attack on Jemel Jordan, Wing specifically told the institution that he assaulted Jordan because he was black, and that he would kill any black inmate housed with him.

11. Following the May 7, 2014 attack on Jordan, Wing told USP Canaan psychologist Shannon Griswold that he attacked Jordan because Jordan was black.

12. Before May 16, 2014, Wing had disciplinary hearings on the May 6, 2014, and May 7, 2014 incidents.

13. Before May 16, 2014, Jemel Jordan had a disciplinary hearing before George Renda regarding the May 7, 2014 incident with Wing in the SHU of USP

Canaan.

14. Psychologist Shannon Griswold was the staff member representing Jemel Jordon at his disciplinary hearing. In the course of the hearing, Ms. Griswold told DHO Renda that Wing admitted attacking Jordan because Jordan was black.

15. George Zevan and Marc Renda are disciplinary hearing officers at USP Canaan and were aware of the specifics of the May 6, 2014 incident and the May 7, 2014 incident.

16. Paragraph 10 of the initial PSR (released on October 31, 2014) stated as follows: “Government Counsel contends that the instant federal offense constitutes first degree murder and was race motivated.”

17. The government objected to the statement in Paragraph 10 of the initial PSR that “Government Counsel contends that the instant federal offense...was race motivated.”

18. Consequently, Paragraph 10 of the revised PSR (released on December 5, 2014) reads, “Government Counsel contends that for the purpose of guideline calculations, the instant federal offense constitutes first degree murder and that Joseph Wing admitted the offense was race motivated.”

19. Wing strongly objects to the rewording of Paragraph 10 of the PSR and requests that this Court reinstate the original wording.

20. The original wording of Paragraph 10 supports Wing’s position that

the government, through the personnel at USP Canaan, knew on May 16, 2014, that Wing's attack on Donshay Sales was race motivated.

21. For the reasons set forth in the attached "Schedule of Subpoenas," the identified witnesses are necessary to show that attack on Donshay Sales was race related, and the personnel at USP Canaan knew that it was a race related attack at the time Wing attacked Donshay Sales.

22. Pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure, the defendant requests that the costs associated with these subpoenas be borne by the government.

WHEREFORE, it is respectfully requested that the said Motion for a Subpoena be granted, that the Court direct that the costs associated with these subpoenas be borne by the government.

Respectfully submitted,

Date: December 9, 2014

/s/ Ingrid S. Cronin

INGRID S. CRONIN
Assistant Federal Public Defender
Attorney ID #PA61289

116 North Washington Avenue, Suite 2-C
Scranton, PA 18503
Tel. No. (570) 343-6285
Fax No. (570) 343-6225
Email: Ingrid_cronin@fd.org
Attorney for Joseph Wing

1. Marc Renda, DHO
USP Canaan
PO Box 300
Waymart, PA 18472
2. George Zevan, DHO
USP Canaan
PO Box 300
Waymart, PA 18472
3. Shannon Griswold
USP Canaan
PO Box 300
Waymart, PA 18472

Joseph Wing attacked Donshay Sales because he was a black man who was housed with him. Wing's contention is that the staff at USP Canaan knew on or before May 16, 2014, that he intended to kill any black inmate housed with him. It is the understanding of counsel that Joseph Wing had a history of violence inside the prison system. In fact, it is believed that following the May 7, 2014 incident, Joseph Wing specifically told USP Canaan personnel that he intended to beat up any black man the institution put in his cell with him.

ANTICIPATED TESTIMONY AND RELEVANCY

Joseph Wing is charged with an attempted murder at the United States Penitentiary at Canaan that occurred in a two-man cell in the Special Housing Unit. Wing admits this crime, and further admits that his crime was race related. Wing

specifically asserts that before May 16, 2014, the date he assaulted Donshay Sales, the authorities at the institution were aware of Wing's threat to kill any black man housed with him. Sales had been assigned to share the cell with Wing no more than 45 minutes before Wing attempted to murder Sayles.

Wing had assaulted two other black inmates in the 10 days preceding his assault on Sayles. George Zevan and Marc Renda are Disciplinary Hearing Officers at USP Canaan and, in the course of their work, were aware of Wing's propensity to violence against black inmates, and were aware of Wing's threat to harm any black man housed in his cell. Specifically, following the May 7, 2014 incident, USP Canaan psychologist Shannon Griswold interviewed Wing. He told her that he attacked Jemel Jordan because Jordan was a black inmate housed with him. Wing and Jordan had separate disciplinary hearings at a date before May 16, 2014. At Jemel Jordan's disciplinary hearing before DHO Marc Renda, Ms. Griswold told Marc Renda that Wing attacked Jordan because he was black.

The testimony of Griswold, Zevan and Renda will support Wing's position that, after his May 6, 2014 and May 7, 2014 assaults on black inmates, and before May 16, 2014, he told USP Canaan personnel that he would kill any black man housed with him.

CERTIFICATE OF SERVICE

I, Ingrid S. Cronin, Assistant Federal Public Defender, do hereby certify that I served a copy of the foregoing **Motion for a Subpoena** via Electronic Case Filing, or by placing a copy in the United States mail, first class in Scranton, Pennsylvania, addressed to the following:

FRANCIS P. SEMPA, ESQUIRE
United States Attorney's Office

JOSEPH WING

Date: December 9, 2014

/s/ Ingrid S. Cronin
INGRID S. CRONIN
Assistant Federal Public Defender
Attorney ID #61289

116 North Washington Avenue, Suite 2-C
Scranton, PA 18503
Tel. No. (570)343-6285
Fax No. (570)343-6225
Email: ingrid_cronin@fd.org
Attorney for Joseph Wing

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	: Criminal No. 3:14-CR-156
	:
v.	: Judge James M. Munley
	:
JOSEPH WING	: (Electronically Filed)

ORDER OF COURT

AND NOW, this ____ day of _____, 2014, upon consideration of Defendant's Motion for a Subpoena, **IT IS HEREBY ORDERED** that the motion is **GRANTED**.

IT IS ORDERED that the said subpoena shall order the individuals named, Shannon Griswold, Psychologist, Marc Renda, DHO, and George Zevan, DHO, at United States Penitentiary at Canaan, to appear in United States District Court, Federal Building, North Washington Avenue & Spruce Street, Scranton, Pennsylvania 18509 at _____a.m. on _____,2014

The costs incurred with the subpoena shall be borne by the government.

BY THE COURT:

JAMES M. MUNLEY
UNITED STATES DISTRICT COURT JUDGE